

# **Talking Points**

## **Draft Proposed Interim Policy for BPA Funding of Mitigation Activities on Federal Land**

BPA is seeking comment on this proposed policy for funding mitigation activities on federal land. The full text of this proposed policy can be found on the Northwest Power Planning Council Web site at [http://www.nwcouncil.org/library/2002/BPAPolicy\\_0207.htm](http://www.nwcouncil.org/library/2002/BPAPolicy_0207.htm). Comments are due to the Council on March 8.

### Legislative Background/Mandate

1. BPA funds fish and wildlife habitat improvements that are consistent with the Northwest Power Planning Council's Fish and Wildlife Program. BPA is "to protect, mitigate, and enhance fish and wildlife to the extent affected by the development and operation" of the Federal Columbia River Power System (FCRPS). Congress's intent is clear: "Consumers of electric power should bear only those costs attributable to electric power facilities and programs (but not the cost of measures designed to deal with impacts caused by other factors)."
2. BPA has historically funded some mitigation activity on federal lands under the jurisdiction of the Department of Interior Bureau of Land Management (BLM) and the Department of Agriculture Forest Service (FS). Although work funded through the Fish and Wildlife Program on federal lands has generally been of good quality and under some form of cost-share relationship with the federal land management agency, past funding has not always considered the roles and responsibilities of the FS or BLM in developing and funding these projects.

### Current Issues

1. The Federal Caucus's All-H Paper communicates its expectation that federal land management agencies would assume the lead responsibility for implementing elements of the strategy on the lands within their respective jurisdictions. In a December 2000 Memorandum of Understanding, the Caucus member agencies all agreed to implement the commitments delineated in the All-H Paper.
2. BPA's efforts are to focus on non-federal lands where others do not have an enforceable responsibility. The nature and level of recent requests for BPA funding on federal lands raises concerns about the potential for funds, which should be directed to meeting BPA's obligations, being diffused or redirected to cover the ESA responsibilities of other federal agencies.

### Proposed Action

With this policy, BPA proposes to clarify how and when we could participate in funding projects on federal lands. The policy is intended to apply to habitat improvement projects that Bonneville funds, on a cost-share basis, on lands under the jurisdiction of the U.S. Forest Service and the Bureau of Land Management.

This draft policy proposes criteria to guide the Northwest Power Planning Council (Council) and resource managers when they propose, screen, and recommend projects for BPA funding. It is intended that this policy be consistent with other BPA policies and statutory requirements, including those concerning augmentation of appropriations and in-lieu funding.

### Summary of Proposed Policy

1. Under this policy, any action BPA funds on federal lands must be to meet BPA's responsibilities under the Northwest Power Act and the ESA. BPA will not fund actions that fulfill the responsibilities of other persons or entities.
2. All projects BPA funds will be on a cost-share basis. BPA will consider limited cost-share opportunities where the projected benefits of BPA-funded past or ongoing actions may be compromised if actions are not taken on federal lands.
3. In a cost share arrangement, BPA may fund up to 50% for a project. Non-BPA funds should account for 50% or more of the costs for those portions of activities on federal land, with in-kind contributions not exceeding half the non-BPA share. There will be an overall limit to these cost-share projects.

### Review and Application of Policy

1. BPA will review this policy when the Council has adopted all subbasin plans. At that point, the full array of priorities within the subbasins can be determined and all funding sources will work together to address those priorities. Projects selected for funding will be reviewed annually. Most projects will probably be a single year funding commitment or will sunset upon adoption of a subbasin plan. Project proponents should not expect funding beyond initial funding levels. As the region develops subbasin plans, basin-wide mitigation responsibilities and priorities for BPA, as well as for the federal land managers, will be more clearly defined.
2. It is proposed that all projects meet the interim funding criteria for projects on federal land and will receive priority based on rating criteria proposed in the Draft Proposed Interim Policy.
3. BPA will not reconsider previous decisions for the Columbia Gorge and Inter Mountain Provinces. BPA anticipates considering this policy along with pending provincial reviews.

### Next Steps

BPA is very interested in regional review of the proposed policy. BPA has requested the Council's assistance in soliciting public comment and providing Bonneville their views on the content of the draft policy as it affects the Fish and Wildlife Program. We hope to be able to review comments and adopt a final policy by the end of March 2002.